

Appl. No. 10/612m197
Atty. Docket No. AA537C
Amdt. dated September 13, 2005
Reply to Office Action of 06/16/2005
Customer No. 27752

REMARKS

Claims 1-5, 8, and 10-17 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to include the limitations of Claim 8 and additional limitations as disclosed at page 6, lines 24-30.

Claim 8 has been cancelled.

Claim 13 has been amended to include the limitation of Claim 14 and Claim 15, which was indicated as being allowable if rewritten in independent form.

Claims 14 and 15 have been cancelled.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested

Rejection Under 35 USC §102(b) Over Lassen et al. US 4,631,062

Claims 1-5 and 12-14, 16, and 17 are rejected under 35 USC §102(b) as being anticipated by Lassen et al.

Applicants have amended Claim 1 to include the limitations of Claim 8, which was cancelled. Claim 8 is not rejected under 35 USC §102(b) over Lassen et al., and, therefore, Applicants submit the 35 USC §102(b) rejection of Claim 1 and its dependent claims is moot.

Applicants have amended Claim 13 to include the limitations of Claims 14 and 15. Claim 15 was indicated as allowable if rewritten to be independent. Accordingly, Applicants submit the 35 USC §102(b) rejection of Claim 13 and its dependent claims is moot.

Rejection Under 35 USC §103(a) Over Lassen et al. US 4,631,062

Claims 8, 10, and 11 are rejected under 35 USC §103(a) as being unpatentable over Lassen et al. US 4,631,062. This rejection is traversed because Lassen does not establish a *prima facie* case of obviousness pursuant to MPEP 2143. Specifically, Lassen

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does not teach, disclose, or suggest all the claim limitations, and there is no motivation to modify Lassen to have the claimed structure.

The limitations of Claim 8 have been incorporated in amended Claim 1, therefore, the analysis below is directed to overcoming a 35 USC §103 rejection of amended Claim 1 and its dependent claims

The interlabial device as recited in Claim 1 has dimensions that enable the device to be held in place by the wearer's labia minora, labia majora, or both. As detailed on page 8, this feature of the claimed device is in contradistinction to that of Lassen, which is designed to function primarily as a traditional sanitary napkin, being attached to the wearer's undergarment. As detailed at column 17, starting at line 10, Lassen clearly requires an undergarment to provide a "biasing" force to hold the pad in place. Further, there is no motivation provided in Lassen to modify the dimensions of the pad to be those of the claimed invention.

Accordingly, the Applicants submit that amended Claim 1 (and its dependent claims) is allowable over the cited art.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5, 10-13, 16 and 17 is respectfully requested.

Respectfully submitted,

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